

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Case No.: 3:19-cv-580

ANDREW ELLIOTT WILKINSON,

Plaintiff,

v.

WELLS FARGO BANK, N.A.; WELLS
FARGO CLEARING SERVICES, LLC
d/b/a WELLS FARGO ADVISORS
and/or FIRST CLEARING; ANGIE
OSTENDARP; MIKE QUIMBY;
FINRA; and PLACE AND HAWLEY
LLC,

Defendants.

**MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants Wells Fargo Bank, N.A., Wells Fargo Clearing Services, LLC d/b/a Wells Fargo Advisors and/or First Clearing,¹ Angie Ostendarp, and Mike Quimby (collectively, the “Moving Defendants”) respectfully move the Court for a 30-day extension of time within which to answer or otherwise respond to Plaintiff’s Complaint, up to and including December 6, 2019. In support of this Motion, Defendants show the Court as follows:

1. Plaintiff, who is proceeding pro se, filed a Complaint in Mecklenburg County Superior Court, Case No. 19-CVS-15259 (“the State Court Action”) on August 1, 2019.

2. The Moving Defendants received copies of the Complaint, via regular U.S. Mail, on or after October 1, 2019.

¹ Although Plaintiff purports to sue “Wells Fargo Advisors” and “1st Clearing LLC” (Compl. at 41; *see also id.* at 2), Wells Fargo Advisors and First Clearing are merely trade names used by Wells Fargo Clearing Services, LLC.

3. The Moving Defendants filed a timely joint Notice of Removal of the State Court Action on October 30, 2019, concurrently with this Motion.

4. The Moving Defendants' deadline for responding to the Complaint is currently November 6, 2019. *See* Fed. R. Civ. P. 81(c)(2)(C). Consequently, the time for responding to the Complaint has not yet expired.

5. Plaintiff's claims are premised on a prior Financial Industry Regulatory Authority arbitration, which culminated in a final award entered in August 2016, and on a prior action before this Court captioned *Wilkinson v. Wells Fargo Advisors, LLC, et al.*, Case No. 3:16-CV-00755-RJC (filed Nov. 1, 2016), which the Honorable Robert J. Conrad dismissed by Order entered February 15, 2017. (*See*, 3:16-CV-00755, Doc. No. 14.) The Complaint's allegations also relate to account documents and alleged communications that go back a number of years. As a result, the Moving Defendants and counsel need additional time to review the records in these prior actions, locate and review relevant documents, and investigate Plaintiff's allegations.

6. Moreover, James Derrick, one of the undersigned counsel, has been on parental leave for two weeks after the Moving Defendants received copies of the Complaint, further limiting the time and resources available to formulate a response.

7. This is the first extension of time requested by any of the Moving Defendants.

8. This request is made in good faith and not for purposes of delay.

WHEREFORE, the Moving Defendants respectfully request that the Court order that the time within which Defendants Wells Fargo Bank, N.A., Wells Fargo Clearing Services, LLC d/b/a Wells Fargo Advisors and/or First Clearing, Angie Ostendarp, and Mike Quimby Defendants may serve a response to Plaintiff's Complaint be extended to and including December 6, 2019.

Dated: October 30, 2019

Womble Bond Dickinson (US) LLP

/s/ Debbie W. Harden

Debbie W. Harden (N.C. State Bar No. 10576)

James S. Derrick (N.C. State Bar No. 39632)

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*Attorneys for Defendants Wells Fargo Bank, N.A.; Wells
Fargo Clearing Services, LLC d/b/a Wells Fargo Advisors
and/or First Clearing; Angie Ostendarp; and Mike Quimby*

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019 the foregoing **MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT** was filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing and serve all CM/ECF recipients.

I further certify that on October 30, 2019 I served the following non-CM/ECF participants by U.S. Mail as follows:

Andrew Elliott Wilkinson
1430 Pine Tree Drive
Charlotte, NC 28270

Pro Se Plaintiff

Place and Hawley LLC
1415 Panther Lane
Naples, FL 34109

Defendant

FINRA
c/o Terri Reicher
1735 K Street
Washington, DC 20006

Defendant

/s/ Debbie W. Harden

Debbie W. Harden (N.C. State Bar No. 10576)